

In The Matter of
Hecla Limited
Lucky Friday
MSHA ID# 10 -00088

PETITION FOR MODIFICATION

Docket No. M-2013-009-M

PROPOSED ORDER OF DISMISSAL

On June 12, 2013, Hecla Limited, filed a petition under 30 U.S.C. § 811(c) and 30 C.F.R. Part 44 seeking a modification of the application of 30 C.F.R. § 57.14106(a) to its Lucky Friday mine, an underground silver ore mine in Shoshone County, ID.

The standard at 30 C.F.R. § 57.14106(a) on “Falling object protection” provides:

Fork-lift trucks, front-end loaders, and bulldozers shall be provided with falling object protective structures if used in an area where falling objects could create a hazard to the operator.

The petitioner alleges that: (1) the standard does not apply to load haul dump (LHD) utility vehicles used underground; (2) the standard does not apply to the Lucky Friday mine because all the equipment is used under supported ground where there is no increased hazard of falling objects; and (3) application of the standard to LHDs is a diminution of safety.

MSHA personnel conducted an investigation of the petition and filed a report of their findings with the Administrator for Metal and Nonmetal Safety and Health. After a careful review of the entire record, including the petition and MSHA’s investigative report, this Proposed Order of Dismissal is issued.

Findings of Fact and Conclusions of Law

According to the MSHA report of investigation for the petition, the Lucky Friday mine is a deep underground silver, lead, and zinc mine located in the Coeur d’Alene Mining District of northern Idaho. Lucky Friday is one mile east of Mullan, Idaho, and is adjacent to U.S. Interstate 90.

The height of the drifts in the Lucky Friday was 11 feet and work was done under a cemented backfill. All ground control measures were observed in place. The ventilation was carried by a 30 inch vent bag which was increased to 42 inch diameter lines in certain areas of the mine. The ventilation lines were measured and averaged 7 feet 7 inches above the floor. Ground support in the overhand and underhand stopes was

approximately 4 – 6 inches lower than the 10 ft. height of the average drift. Due to the LHDs not being used in an area of the mine where there was a hazard created by falling objects, the standard does not apply. Accordingly, the petition for modification of application of section 57.14106 (a) to Hecla Limited's Lucky Friday mine is dismissed.

The Petitioner stated that, during the 1990s, there were two miners injured at the Lucky Friday mine while operating LHDs without FOPS under unsupported ground. However, since that time a policy has been instituted prohibiting work under unsupported ground.

During the investigation, LHDs were observed operating under supported ground. Additionally, standard procedures do not allow miners to work or travel under unsupported ground. Measurements were taken of both the one and two cubic yard LHDs. The one yard loader measured 48 inches in height and 53 inches wide while the two yard loader measured 64 inches in height and 65 inches wide.

ORDER

Wherefore, pursuant to the authority delegated by the Secretary of Labor to the Administrator for Metal and Nonmetal Mine Safety and Health, Hecla Limited petition for modification of 30 C.F.R. § 57.14106(a) at its Lucky Friday mine is hereby DISMISSED.

Any party to this action desiring a hearing on this matter must file, in accordance with 30 CFR Part 44.14, a request for hearing within 30 days after service of the Proposed Order of Dismissal. This request for hearing must be filed with the Administrator for Metal and Nonmetal Mine Safety and Health, 1100 Wilson Boulevard, Arlington, Virginia, 22209-3939.

If a hearing is requested, the request must contain a concise summary of position concerning the issues of fact or law desired to be raised by the party requesting the hearing, including specific objections to the Proposed Order Dismissal. A party other than the petitioner who has requested a hearing shall also comment upon all issues of fact or law presented in the petition. Any party to this action requesting a hearing may indicate a desired hearing site. If no request for a hearing is filed within 30 days after service thereof, this Proposed Order of Dismissal will become final.

/s/

Neal Merrifield
Administrator for Metal and Nonmetal
Mine Safety and Health